UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/25709
3 May 1993

ORIGINAL: ENGLISH

REPORT OF THE SECRETARY-GENERAL ON THE ACTIVITIES OF THE INTERNATIONAL CONFERENCE ON THE FORMER YUGOSLAVIA

Peace talks, Athens, 1-2 May 1993

Introduction

1. In my previous report (S/25708), I informed the Security Council that the Co-Chairmen of the Steering Committee, Cyrus Vance and Lord Owen, together with the Co-Chairman-designate, Thorvald Stoltenberg, had decided, on 29 April 1993, to convene a round of peace talks in Athens on 1 and 2 May with the generous hospitality of Prime Minister Mitsotakis and the Greek Government. In addition to Mr. Vance, Lord Owen, and Mr. Stoltenberg, the following leaders headed delegations at the talks:

President A. Izetbegovic (Bosnia and Herzegovina)

President F. Tudjman (Republic of Croatia)

President D. Cosic (Federal Republic of Yugoslavia (Serbia and Montenegro))

President S. Milosevic (Serbia)

President M. Bulatovic (Montenegro)

Mr. M. Boban

Dr. R. Karadzic

The following attended as observers:

Observer from the host Government: E. Karagiannis

Observer from the European Community: B. Weber

Special Envoy: R. Bartholomew (United States of America)

Special Envoy: V. Churkin (Russian Federation)

I. ADDRESS BY PRIME MINISTER CONSTANTINOS MITSOTAKIS

2. On Saturday evening, 1 May, the Prime Minister of Greece, Mr. Mitsotakis, addressed the participants with a strong appeal to them to bring peace to Bosnia and Herzegovina. He urged boldness and courage on the part of the political leaders.

II. OPENING REMARKS BY CYRUS VANCE

3. Following the address of Prime Minister Mitsotakis, Mr. Vance welcomed the participants and expressed the gratitude of the Co-Chairmen to Prime Minister Mitsotakis and his Government for their hospitality. He underlined the critical importance of a positive outcome of the talks and stated: "The time is overdue to act decisively to bring peace to Bosnia and Herzegovina and to begin the reconstruction of the former Yugoslavia ... What is urgently needed now is to bring the plan into force. To do this, Dr. Karadzic needs to sign the remaining two documents of the plan, namely, the provisional provincial map and the agreement on interim arrangements." He noted that the Co-Chairmen had provided clarifications to a number of questions that had been raised and stated: "In the light of the answers given, we are convinced that there is no reasonable ground for any further delay in completing the signing of the peace plan."

III. FACTORS RELEVANT TO THE IMPLEMENTATION OF THE PEACE PLAN

4. Lord Owen then made a statement in which he noted that during recent discussions with all the parties, the Co-Chairmen had provided explanations and amplifications on various aspects of the peace plan. The text of this statement is reproduced in annex I. The text of Lord Owen's remarks was distributed to the participants. Also distributed with it was a paper on the concept for the Northern Corridor, which is reproduced in annex II.

5. At the second session of the peace talks, held on Sunday, 2 May, Mr. Vance, speaking on behalf of the Co-Chairmen, provided additional amplifications on the concept of the Northern Corridor, which are reproduced in annex III.

6. On 2 May the Co-Chairmen wrote a letter to President Izetbegovic, Mr. Boban, and Dr. Karadzic on the status of the above-mentioned explanations and amplifications, the text of which is reproduced in annex IV.

IV. SIGNING OF THE PEACE PLAN

7. On 2 May Dr. Karadzic signed the Agreement on Interim Arrangements and the provisional provincial map. At the time of signing, he made and signed a statement, the text of which is reproduced in annex V.

8. Following Dr. Karadzic's signing of the above-mentioned documents, the Co-Chairmen called upon the participants to do their utmost for its faithful implementation. They called for maximum military restraint and urged the Bosnian sides to observe a cessation of hostilities throughout Bosnia and Herzegovina.

9. The participants paid a warm tribute to Cyrus Vance for his enormous contribution to the pursuit of peace in the former Yugoslavia.

Concluding observations

10. The completion of signature of the peace plan marks a decisive moment in efforts to stop the conflict in Bosnia and Herzegovina. Everything possible must now be done to bring the peace plan into force and to implement it in accordance with its letter and spirit.

Annex I

Statement by Lord Owen on behalf of the Co-Chairmen

During my recent discussions with all the parties in Belgrade and Zagreb, we focused on many aspects of the peace plan. I believe it would help all the parties if I were now to repeat some of the points of clarification that arose during this trip.

Interim arrangements

The agreement on interim arrangements, annex I of the Secretary-General's report of 26 March 1993, document S/25479, is in the view of the Co-Chairmen fully consistent with constitutional principle 4, which has been signed by all the parties and states:

> "All matters of vital concern to any of the constituent peoples shall be regulated in the Constitution, which as to these points may be amended only by consensus of these constituent peoples; ordinary governmental business is not to be veto-able by any group."

This is made very clear in annex I, A. Interim Presidency and Interim Central Government, in paragraph 1 of which it states:

> "in the direct aftermath of hostilities, when a consensus amongst the three constituent peoples is the only acceptable basis for reaching any fundamental decisions, the interim Presidency and Interim Government shall function on a coalition basis."

> "In signing this agreement we are asking as section I, paragraph 5, of the Secretary-General's report of 26 March (S/25479) makes clear, that all sides should 'concentrate on agreeing on specific arrangements for the interim period'."

Procedures inside the Interim Presidency

Annex I of S/25479, Agreement on interim arrangements, states in paragraph 4:

> "The Interim Presidency shall take its decisions by consensus of nine, or by a qualified majority of seven, or by a simple majority of five, depending on whether the decision relates to a constitutional principle, to a specially important question, or to normal business of the Presidency. If the members of the Interim Presidency are unable to agree on the applicable majority, they shall consult the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia (the 'Co-Chairmen') whose decision shall be binding."

I was asked if I could indicate in advance whether the rules of procedure for operating the Interim Presidency would be a decision taken by consensus of

the nine members and my instant response was that it would be, but I checked with Mr. Vance and he agreed without demur that this would be our decision.

Interim President

In discussions over the rotating Interim President, where each of the constituent peoples will hold the Interim Presidency for six months, a fear was expressed that if elections were held after a year, one of the constituent peoples would not be able to hold the position of Interim President. I think it might help to put this issue in perspective if I remind you what was said on 12 March 1993 in the Secretary-General's report, document S/25403, paragraph 20:

> "During the period between the entry into force of the peace settlement and the holding of free and fair elections, there is a need for an interim institutional mechanism so that the country can function effectively. The drafting of a new Constitution for the Republic of Bosnia and Herzegovina is expected to take months. Also, it is very likely to take more than a year for the many refugees and displaced persons to return to their homes. Nevertheless, free and fair elections must be held within two years; the date will be fixed by the Interim Presidency in consultation with the Co-Chairmen."

It is the view of the Co-Chairmen that elections will not be held for at least 18 months and that therefore all three constituent peoples will have the opportunity to hold the Interim Presidency.

Withdrawal of forces

After consulting the Force Commander, General Wahlgren, it has been explained to all the parties at both the political and the military level that, when forces withdraw under the plan to named provinces and where they have been protecting villages and towns where their own constituent people are in the majority, they will be replaced by UNPROFOR and not by opposing forces. Nevertheless, the administration and in particular the police forces in the areas from which they have withdrawn shall, as stated in section G of annex I to S/25479, "be controlled by the Interim Provincial Governments or by local authorities under them, and shall reflect the proportions of the constituent peoples in the respective provinces." UNCIVPOL's principal task, as is made clear in section H, paragraph 5, "would be to monitor the police of the Provinces so that each: has an appropriately balanced ethnic composition; [and] does not oppress members of minority ethnic groups". It is important also to remember that minorities in any province will have access to the service of their own ombudsmen appointed to cover the whole of Bosnia and Herzegovina who shall be supported by adequate staff and facilities at provincial level, particularly in a province where another constituent people is in the majority.

The provisional provincial map

It needs to be stressed that the reason for referring to the boundaries of the provinces as "provisional" is that the final boundaries will be adopted by

consensus by the parties for the new Constitution in the framework of the International Conference on the Former Yugoslavia. It will be perfectly possible for the parties in the improved atmosphere associated with the cessation of hostilities and in the spirit of cooperation hopefully built up during the period of interim coalition government to negotiate amongst themselves changes to the provincial boundaries.

In addition, the Conference will have before it recommendations from the Boundary Commission (section B). The Commission shall receive and, if necessary, hear evidence from those people who feel they are adversely affected by the proposed provisional provincial boundaries. The Commission is empowered to consider only marginal changes and its decisions will be adopted by consensus. But it does introduce an important area of flexibility and it will be possible for villages or towns that feel they have been wrongly placed on one side or other of the provisional boundary to have their positions reviewed.

The capital city of Sarajevo will exceptionally have its provisional boundaries specifically referred to the Boundary Commission for review (section C) and there is no marginal qualification made to the text. In this case "any agreed changes will be introduced prior to implementing the new Constitution."

It is the view of the Co-Chairmen that these arrangements provide for considerable flexibility in the defining of the provincial boundaries; also the Constitution will no doubt provide for a mechanism whereby boundaries could be changed at some future date after adoption of the Constitution by consensus.

Northern Corridor

One of the most controversial issues between the parties has been the concern about free access from Banja Luka Province to Bijeljina Province. The main road through Posavina and Tuzla Province will be a United Nations-throughway controlled not by the provincial police but by UNPROFOR and with an area of 5 kilometres on either side of the road demilitarized under the responsibility of UNPROFOR. A paper describing the detailed arrangements approved by the UNPROFOR Force Commander whereby UNPROFOR propose to control the road has already been circulated to the parties to demonstrate how they will guarantee free passage along the road and is attached to this explanation in annex II. In this regard, it should be noted that ever since 19 February 1993, under Security Council resolution 807 (1993), UNPROFOR has been acting under Chapter VII of the Charter of the United Nations and the Force Commander has given assurances that there will be consultations amongst the parties prior to deploying United Nations forces to control the Northern Corridor. All of these matters will be specifically covered and put for the endorsement of the Council in the resolution on implementation arrangements.

Also, as in relation to the demilitarization of Sarajevo (annex V, page 28 of S/25403 of the Agreement for Peace in Bosnia and Herzegovina), a Joint Commission Chaired by UNPROFOR will oversee the implementation of the arrangements for the Northern Corridor. This will mean that all three of the parties will be represented on the Commission and can bring before it any alleged violations.

International Access Authority

The Agreement on Interim Arrangements provides in section I for the Interim Presidency to establish an International Access Authority in order to implement principle 3 of the Agreed Constitutional Principles and to allow full freedom of movement between and within the Provinces and "also to and from the Provinces to the Republic of Croatia and to the Republic of Serbia. It is intended that the Authority be in operation as soon as possible during the interim period. Following the conclusion of the package, all designated throughways shall come under the responsibility of UNPROFOR; thereafter there will be a period of overlapping responsibility of UNPROFOR and the Authority, during which UNPROFOR'S involvement will be phased out and its responsibilities assumed by traffic police employed by the Authority."

I would draw attention to the fact that other throughways have also provided assurance, particularly that between Gorazde and Cajnice. The Blue Routes are also important, particularly that between Pale and Zvornik.

In Zagreb and Belgrade I had preliminary discussions as to whether or not it would be possible to extend the International Access Authority to related roads and railways in Croatia, Serbia and Montenegro. Such a development depends on discussions between their Governments and is outside the context of the interim agreement and therefore of this peace plan.

Nevertheless, the Co-Chairmen hope that in the margins of this Conference, it might be possible to hold some further discussion about this wider concept with the Governments concerned to see if there is a possible basis for agreement.

I hope that with these clarifications it will now be possible for the Bosnian Serb delegation to agree to sign the two outstanding documents, the interim agreement and the provisional provincial map, and thereby ensure with these two additional signatures that we have the 12 signatures necessary for full endorsement of the peace plan.

Once the peace plan has been agreed in full by all the parties, we as Co Chairmen shall report to the Secretary-General, who has then been requested by the Security Council to report at the earliest possible date on proposals for the implementation of the peace plan. On the passing of a Security Council resolution on implementation, the peace plan will start to operate.

In the meantime, we hope all three parties on signature will agree to join the Coordination Body which was established recently in Zagreb to work together in the spirit of the peace plan as far as circumstances will allow before the stage of formal implementation and the start of the Interim Presidency.

Annex II

Concept for the Northern Corridor

The Northern Corridor will consist of the internationally controlled throughway linking Banja Luka Province and Bijeljina Province and a demilitarized zone extending 5 kilometres either side of the throughway in the territory of Bosnia and Herzegovina.

The demilitarized zone concept includes:

- Adherence to the broad principles for the cessation of hostilities agreed by all parties and included in S/25221 (annex I).

- Implementation of the measures to separate forces and withdraw heavy weapons agreed by all parties and included in S/25221 (annex IV).

- The implementation of a zone extending in Bosnia and Herzegovina territory for 5 kilometres either side of the throughway in which no military force's personnel, equipment or installations, other than those of United Nations forces, will be authorized.

Demilitarized zone measures will include:

- Patrolling by the United Nations implementation force to ensure compliance by all parties.

- Other than United Nations forces, the only personnel allowed to carry arms in the demilitarized zone will be provincial civil police officers on duty. The only arms these officers will be authorized to carry will be personal sidearms (handguns). Provincial police officers will have no powers on the northern throughway.

The throughway concept is:

- A security guarantee initially by UNPROFOR and later the International Access Authority to all parties traversing Posavina and Tuzla Province via Brcko to ensure non-interference with and protection of personnel and material using the throughway.

- No interference on the throughway. No provincial police will be able to stop any vehicle and if they have any complaint about speeding or other matters, they would have to notify an UNPROFOR Patrol or later an International Access Authority Police.

- Checkpoints, patrols and monitoring, along the length of the throughway, initially by the United Nations implementation force and then a period of joint working with the International Access Authority Police.

- The supervised inspection at the entry points at each end of the throughway by the United Nations force.

- Freedom of passage of humanitarian aid.

- Freedom of movement for United Nations forces.

Throughway measures will include:

- Timings: the throughway will be open at all times. United Nations forces and International Access Authority Traffic Police will use the throughway at any time and have total authority over maintenance, sign posting and other technical matters.

- Access for civilians: all civilians, regardless of sex, age or ethnic origin but provided they are carrying no weapons or ammunition will be allowed to use the throughway. Private and commercial vehicles will also be permitted to use the throughway. All will be subject to the inspection measures outlined below.

- Access for humanitarian aid: all international and local humanitarian aid agencies will be allowed to use the throughway.

- Checkpoints: the only authorized checkpoints will be those established and manned by the United Nations force. Provincial authorities will not be permitted to impose their own checkpoints on the throughway. Checkpoints will initially, as a security measure for users, be open only during daylight hours for non-United Nations traffic.

- Inspection procedures: inspections will be conducted by the United Nations force at checkpoints.

- Inspections may be carried out on all users of the throughway, including humanitarian convoys.

- War-related material: the carriage or transport of all weapons, ammunition or other war-related material will not be permitted without a licence issued by the United Nations Force Commander or International Authority Agency Officer responsible for the throughway. Licences will only be issued for the arms and ammunition appropriate for and destined to civil police forces. All non-licenced war-related material will be turned back at the entrance or escorted back to the point of entry.

- Escorts: traffic may initially, as a security measure for users, move through a checkpoint and along the throughway by United Nations-escorted convoy only.

- Patrols: the throughway will be patrolled by the United Nations force or International Access Authority official police vehicles which have appropriate communications.

Implementation time-frame. The United Nations will, in line with "Agreement on Peace" signed by all three parties, aim to erect checkpoints and

reconnoitre the throughway by D+1, then open the throughway for civilian through traffic by no later than D+15.

International Access Authority. An International Access Authority will be established as part of the process for implementing interim arrangements for Bosnia and Herzegovina. Details were included in the United Nations Secretary-General's report to the Security Council of 2 February 1993 (S/25221). One of the Authority's tasks will be to take on sole responsibility for all roads declared as internationally controlled throughways. A period of overlapping responsibility is envisaged for the United Nations force and that of the Access Authority. This transfer of authority will only be completed by agreement of all those involved in the Access Authority.

The United Nations Implementation Force. The Northern Corridor will be one of the highest priorities for the United Nations Force tasked to implement the Vance-Owen peace plan for Bosnia and Herzegovina. The Northern Corridor will be the highest standing priority for the United Nations formation tasked to be responsible for the Posavina and Tuzla Province. This United Nations formation will be specially selected for its capability to undertake this task.

The broader context. With the agreement of the Republics of Croatia and FRY (Serbia and Montenegro), the International Access Authority's role would broaden. Its existing responsibility for all rail routes in Bosnia and Herzegovina, including in the Northern Corridor the important routes from Banja Luka to the border at Bosanski Samac and from Tuzla to the border at Brcko, would extend to include the links between these routes and the Zagreb-to-Belgrade rail route and to the railway through Knin to the coast in Croatia. Similarly, its responsibility for roads would extend from the international crossing points at Bosanska Gradiska and Orasje to the links between these roads and to Belgrade along the autoput.

Annex III

Statement by Cyrus Vance

Athens, Greece, 2 May 1993

Last night it was suggested that it would be helpful for the parties to have further clarification of the penultimate paragraph of the "Concept for the Northern Corridor", annexed to Lord Owen's statement of yesterday (1 May 1993) to this Conference on behalf of the Co-Chairmen. The Co-Chairmen fully recognize the need to provide clear assurance of the security of the population in the areas concerned. Some of the fiercest fighting in the war has taken place around Brcko and, sadly, is still continuing. We urge all the parties to start to show the same restraint in this area as has been recently shown in some other strongly contested areas.

With a cease-fire established and increased freedom of movement, the task of securing the throughway through Posavina and Tuzla Province will be accorded highest priority along with the demilitarization of Sarajevo Province. This means that as soon as the cessation of hostilities takes place elements of existing UNPROFOR forces already deployed in Bosnia and Herzegovina will be tasked to quickly redeploy to the Northern Corridor, in order to ensure free movement of traffic as put forward in the framework of this Conference and detailed in the Concept Paper. Additional forces, provided under a new mandate to be approved by the Security Council, would also be deployed to the Northern Corridor without delay. It is envisaged that these forces would be armoured infantry, capable of mobile operations and possessing sufficient combat power to ensure that they can carry out their task. The final concept of operations will be developed by the responsible military commander. But these forces, continuing to act under the provisions of Chapter VII of the United Nations Charter, will be tasked to maintain a strong presence along the throughway and throughout the demilitarized zone, in the form of checkpoints, patrols and escorts. An effective mobile reserve would also be provided to ensure that the forces will be able to react to unforeseen or hostile developments.

The force will be composed of high-calibre troops capable of conducting sustained mobile and forceful action if required. It is our view that the force should include highly professional contingents from North America, Western Europe and the Russian Federation.

It is the Co-Chairmen's considered view that this substantial and specific commitment of international military resources will effectively assure the freedom of movement, and thus the overall security, of the inhabitants of the areas concerned.

Annex IV

Letter of 2 May 1993 from the Co-Chairmen to the leaders of the three Bosnian delegations

Dear ...,

A great responsibility lies upon the leaders and representatives of the three constituent peoples to prevent further bloodshed, and to begin the reconstruction of Bosnia and Herzegovina. Peace will not only put an end to further killings, but will also allow the return of refugees and displaced persons to their homes.

At our meetings in Athens on 1 and 2 May, the Co-Chairmen provided clarifications and answers to questions that had been raised with them about the content and implementation of the United Nations/European Community peace plan. The statements made by the Co-Chairmen are attached.

The purpose of this letter is to confirm that the above-mentioned statements of the Co-Chairmen form part of the official records and involve the full authority of the International Conference on the Former Yugoslavia. As has always been the case, the Secretary-General of the United Nations would reflect the discussions and the documents in his report to the Security Council on the deliberations of the Athens round of the peace talks. These documents will also form the basis for the future work of the International Conference, will guide the drafting of the future constitution for Bosnia and Herzegovina, and will also provide guidance to the commanders and personnel of UNPROFOR.

Yours sincerely,

Cyrus Vance Thorvald Stoltenberg David Owen

Annex V

Statement by Dr. Karadzic, 2 May 1993, Athens

By signing the Vance-Owen peace plan (the nine principles, the military agreement, the maps of the proposed provinces and the document on the interim period), the delegation of the Republic of Srpska states the following:

1. Our signature on the proposed documents will become invalid and will be considered null and void unless the following condition is met:

The Assembly of the Republic of Srpska meeting on Wednesday, 5 May supports the decision of their delegation taken here in Athens on 2 May 1993.

2. After the meeting of the Assembly of the Republic of Srpska and if they support the peace plan, we will be ready to nominate three people to sit on the Coordination Body to work together in the spirit of the peace plan. There are a number of issues which we will wish to raise including those related to the provisional provincial map and the work of the Boundary Commission.

3. We are issuing this statement concurrent with our signing of today's documents and are handing it over to the International Conference on the Former Yugoslavia with the request that it be included and attached with the official documents of the Conference.

Athens, 2 May 1993

Delegation for the Government of the Republic of Srpska

Radovan Karadzic
President of the Republic of Srpska

Witnessed by

Cyrus Vance David Owen Thorvald Stoltenberg